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Dr. Jane Summerson, EIS Document Manager, M/S 010,
U.S. Department of Energy, Office of Civilian Radioactive Waste Management,
Yucca Mountain Site Characterization Office
P.O. Box 30307
North Las Vegas, Nevada 89036-0307
BY FAX AND FIRST CLASS MAIL

RE: "Comment Period for Specific Individuals for the Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV," 66 Federal Register 34623-34624 (June 29, 2001)

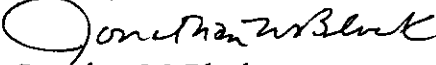
Dear Dr. Summerson:

- 1 The U.S. Department of Energy [DOE] above referenced decision concerning the extension of the comment period on the Yucca Mountain SDEIS for only some members of the interested public is arbitrary and capricious, and abuses the discretion Congress vested in the DOE. The DOE limited extension decision does not treat persons who requested the EIS and SDEIS in the past 30 days in an equitable fashion. Under that decision, select persons, to whom DOE mailed an SDEIS to make up for having omitted to mail it along with an DEIS, now have more time for comments than persons who received the DEIS/SDEIS within the past 30 days. Thus, the DOE decision to extend the comment period solely for the latter group is arbitrary and capricious, and prejudices the interests of similarly situated persons who received copies of the DEIS/SDEIS within a similar time frame. Given the immense size of the DEIS and SDEIS in this case—a size that is contra express policy of the Council on Environmental Quality concerning such scoping documents—it is incumbent upon the DOE to make every effort to provide reasonable time for comment by all interested persons.

I request that DOE correct the inequitable situation created by its arbitrary choice of a remedy which places some recipients of the SDEIS at an advantage over others. A reasonable solution would be extending the comment period for all persons until August 20th.

Given that DOE must comply with the National Environmental Policy Act and implementing regulations of the CEQ concerning public participation, I hope DOE will do the right thing by taking immediate action along the lines suggested above.

Sincerely,


Jonathan M. Block
Attorney at Law